



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2005 REGULAR SESSION

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SENATE BILL NO. 142

AS ENACTED

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MONDAY, MARCH 21, 2005

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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adler

AN ACT relating to state regulation of individuals and entities and declaring an emergency.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

1       Section 1. KRS 198B.605 is amended to read as follows:

- 2       (1) (a) All *certificates issued under KRS 198B.570 and 198B.575 shall expire on*  
3       *the last day of the certificate holder's birth month in the following year. The*  
4       *department may reduce the license fee on a pro rata basis for initial*  
5       *certificates issued for less than twelve (12) months. Renewed certificates*  
6       *shall expire on the last day of the certificate holder's birth month of each*  
7       *year after the date of issuance of the renewed* certificate ~~[holders that desire~~  
8       ~~to continue to engage in fire protection sprinkler business shall annually prior~~  
9       ~~to July 1, secure from the commissioner, a renewal certificate upon the~~  
10      ~~payment of the fee as shall be prescribed by the commissioner. Not later than~~  
11      ~~May 1 of each year, the commissioner shall notify by mail all certificate~~  
12      ~~holders of the renewal date and fee].~~ Application for a renewal shall be upon  
13      such form as is prescribed by the commissioner and the certificate holder shall  
14      furnish the information required by such form.
- 15      (b) Failure of any certificate holder to secure his *or her* renewal certificate within  
16      sixty (60) days after *the last day of the certificate holder's birth month*~~[July~~  
17      ~~1]~~, shall constitute sufficient cause for the commissioner to revoke his *or her*  
18      license.
- 19      (c) The commissioner may restore a certificate that has been revoked for failure to  
20      pay the renewal fee, upon the receipt of payment of all delinquent fees.
- 21      (2) A certificate holder may voluntarily surrender his *or her* certificate to the  
22      commissioner and thereby be relieved of the annual renewal fee. After surrendering  
23      of certificate, he *or she* shall not be known as a certificate holder and shall desist  
24      from the practice thereof. Within five (5) years from the time of surrender of the

certificate, he or she may again qualify for a certificate without examination by the payment of the required fee. If five (5) years thereafter have lapsed, he or she shall return to the status of a new applicant.

- (3) (a) The initial license for a fire protection sprinkler contractor shall expire on the last day of the licensee's birth month in the following year. The department may reduce the license fee on a pro rata basis for initial licenses issued for less than twelve (12) months. Renewed licenses shall expire on the last day of the licensee's birth month of each year after the date of issuance of the renewed license

~~[All licensed fire protection sprinkler contractors desiring to continue to be licensed shall annually, prior to July 1, secure from the commissioner, a renewal license upon the payment of the fee as shall be prescribed by the commissioner. Not later than May 1 of each year, the commissioner will notify by mail all license holders of the renewal date and fee]. Application for a renewal shall be upon such form as is prescribed by the commissioner and license holder shall furnish the information required by such form.~~

- (b) Failure of any certificate holder to secure his renewal certificate within sixty (60) days after the last day of the certificate holder's birth month~~[ July 1]~~, shall constitute sufficient cause for the commissioner to revoke his or her license.

- (c) The commissioner may restore a license that has been revoked for failure to pay the renewal fee, upon the receipt of payment of all delinquent fees.

~~[(4) The initial certificate or license fee shall be prorated based upon the portion of the year such certificate or license shall be in effect prior to the July 1 renewal.]~~

Section 2. KRS 227.620 is amended to read as follows:

- (1) No retailer shall engage in business as such in this state without a license therefor as provided in KRS 227.550 to 227.660.

- 1 (2) Application for license shall be made to the board at such time, in such form and  
 2 contain such information as the board shall require and shall be accompanied by the  
 3 required fee. The board may require in such application, or otherwise, such  
 4 information as it deems commensurate with the safeguarding of the public interest  
 5 in the locality in which said applicant proposes to engage in business, all of which  
 6 may be considered by the board in determining the fitness of said applicant to  
 7 engage in business as set forth in KRS 227.550 to 227.660.
- 8 (3) All licenses shall be granted or refused within thirty (30) days after application. The  
 9 initial license for a retailer shall expire on the last day of the licensee's birth  
 10 month in the following year. The board may reduce the license fee on a pro rata  
 11 basis for initial licenses issued for less than twelve (12) months. Renewed licenses  
 12 shall expire on the last day of the licensee's birth month of each year after the  
 13 date of issuance of the renewed license~~[therefor, and shall expire, unless sooner~~  
 14 ~~revoked or suspended, on December 31 of the calendar year for which they are~~  
 15 ~~granted].~~
- 16 (4) The license fee for such calendar year or part thereof shall be established by the  
 17 board, subject to the following maximums:
- 18 (a) For manufacturers a "certificate of acceptability" shall be subject to a  
 19 maximum of five hundred dollars (\$500).
- 20 (b) For retailers the maximum license fee shall be two hundred fifty dollars  
 21 (\$250) for each established place of business.
- 22 (c) The fee for a "Class A Seal" or a "Class B Seal" for recreational vehicles shall  
 23 be established by the board subject to a maximum of twenty-five dollars (\$25)  
 24 per seal.
- 25 (d) The fee for a "Class B1 Seal" and "Class B2 Seal" for manufactured and  
 26 mobile homes shall be established by the board subject to a maximum of  
 27 twenty-five dollars (\$25) per seal.

- 1 (e) The office may establish a monitoring inspection fee in an amount established  
2 by the secretary. This monitoring inspection fee shall be an amount paid by  
3 each manufactured home manufacturer in this state for each manufactured  
4 home produced by the manufacturer in this state. The monitoring inspection  
5 fee shall be paid by the manufacturer to the secretary or the secretary's agent,  
6 who shall distribute the fees collected from all manufactured home  
7 manufacturers among the states approved and conditionally approved by the  
8 secretary based on the number of new manufactured homes whose first  
9 location after leaving the manufacturing plant is on the premises of a  
10 distributor, retailer, or purchaser in that state, and the extent of participation of  
11 the state in the joint team monitoring program established under the National  
12 Manufactured Housing Construction and Safety Standards Act of 1974, as  
13 amended.
- 14 (5) All revenues raised through the provisions of subsections (4)(a), (b), and (c), and  
15 funds paid to the state by the secretary under the provisions of subsection (4)(d) of  
16 this section shall be deposited in a trust and agency fund and shall be used solely for  
17 the purpose of carrying out the provisions of KRS 227.550 to 227.660 and other  
18 departmental responsibilities. No amount of such trust and agency fund shall lapse  
19 at the end of any fiscal year.
- 20 (6) The licenses of retailers shall specify the location of the established place of  
21 business and must be conspicuously displayed there. In case such location be  
22 changed, the retailer shall notify the office of any change of location, and the office  
23 shall endorse the change of location on the license without charge if it be within the  
24 same municipality. A change of location to another municipality or to a county  
25 which is not adjacent to the county where the business is located shall require a new  
26 license.
- 27 (7) Every retailer licensed in accordance with the provisions of this section shall make

1 reports to the office at such intervals and showing such information as the office  
2 may require.

- 3 (8) Each manufacturer, distributor of manufactured homes or mobile homes, and  
4 retailer of manufactured or mobile homes shall establish and maintain such records,  
5 make such reports, and provide such information as the office or the secretary may  
6 reasonably require to be able to determine whether such manufacturer, distributor,  
7 or retailer has acted or is acting in compliance with KRS 227.550 to 227.660 or the  
8 federal act and shall, upon request of a person duly designated by the office or  
9 secretary, permit such person to inspect appropriate books, papers, records, and  
10 documents relevant to determining whether such manufacturer, distributor, or  
11 retailer has acted or is acting in compliance with KRS 227.550 to 227.660 or the  
12 federal act.

13 Section 3. KRS 318.054 is amended to read as follows:

- 14 (1) The initial license for a master or journeyman plumber shall expire on the last  
15 day of the licensee's birth month in the following year. The department may  
16 reduce the license fee on a pro rata basis for initial licenses issued for less than  
17 twelve (12) months. Renewed licenses shall expire on the last day of the licensee's  
18 birth month of each year after the date of issuance of the renewed license~~[Every~~  
19 ~~master and journeyman plumber's license issued by the department shall expire on~~  
20 ~~June 30 of each year following the date of issuance unless sooner canceled or~~  
21 ~~revoked]~~.
- 22 (2) The department shall send each licensed master and journeyman plumber a  
23 notice advising them that the annual license renewal fee is due. The notice shall  
24 be sent to the licensee's last known address no later than thirty (30) days prior to  
25 the expiration of the license~~[On or before June 1 of each year, the department shall~~  
26 ~~send notices to all licensed master and journeyman plumbers in this state, at their~~  
27 ~~last known addresses, advising them that the annual license renewal fee is due on~~

1 July 1]. The annual license renewal fee shall be a reasonable fee set by regulation of  
 2 the department. The fee for the renewal of a master plumber's license shall exceed  
 3 the fee charged for a journeyman plumber's license.

4 (3) Any master or journeyman plumber who fails to renew his license prior to  
 5 expiration~~[on or before July 1 of each year]~~ may have his license renewed upon  
 6 payment of the required renewal fee and a revival fee. The revival fee for a master  
 7 plumber shall be five dollars (\$5) and for a journeyman plumber three dollars (\$3).  
 8 If the renewal and revival fees are not paid one hundred eighty (180) days after the  
 9 license expires~~[by January 1 of the following year]~~, such licenses shall be  
 10 automatically canceled by operation of law for nonpayment; provided, however,  
 11 that such licenses may be reinstated upon payment of all delinquent renewal fees  
 12 plus a revival fee of ten dollars (\$10) for a master plumber and six dollars (\$6) for a  
 13 journeyman plumber. Upon presentation of proper evidence, the department may  
 14 waive payment of any renewal or revival fee specified herein for persons serving on  
 15 active duty in the Armed Forces of the United States.

16 Section 4. KRS 234.130 is amended to read as follows:

17 The initial license required under KRS 234.120 shall be issued by the department and  
 18 shall expire on the last day of the licensee's birth month in the next even-numbered  
 19 year. The department may reduce the license fee on a pro rata basis for initial licenses  
 20 issued for less than twenty-four (24) months. Renewed licenses shall expire on the last  
 21 day of the licensee's birth month of each numbered year after the issuance of the  
 22 renewed license. Renewal fees shall be the same as the initial license fee.

23 ~~[(1) The licenses required under KRS 234.120 shall be issued on a two (2) calendar year~~  
 24 ~~basis and shall be procured from the commissioner prior to the time of beginning~~  
 25 ~~business. All licenses and renewals thereof shall expire on December 31 of the~~  
 26 ~~second year.~~

27 ~~(2) Every person licensed under the provisions of KRS 234.100 to 234.160 who desires~~

1 ~~to continue in business shall, during January of the appropriate year, procure from~~  
 2 ~~the commissioner a renewal license for which he shall pay a fee equal to the original~~  
 3 ~~license fee.]~~

4 Section 5. KRS 198B.712 is amended to read as follows:

5 (1) An individual shall not advertise or claim to be a licensed home inspector and shall  
 6 not conduct a home inspection for compensation without first obtaining a license as  
 7 a home inspector.

8 (2) The board shall deny a license to any applicant who fails to:

9 (a) Furnish evidence satisfactory to the board, showing that the individual:

- 10 1. Is at least eighteen (18) years of age;
- 11 2. Has graduated from high school or earned a Kentucky or other state's  
 12 general educational development (GED) diploma; and
- 13 3. Meets other criteria established by the board;

14 (b) Verify the information submitted on the application form;

15 (c) Complete a board-approved training program or course of study involving the  
 16 performance of home inspections, and pass an examination prescribed or  
 17 approved by the board;

18 (d) Submit to the board a certificate of insurance that is acceptable to the board  
 19 and that:

- 20 1. Is issued by an insurance company or other legal entity authorized to  
 21 transact insurance business in Kentucky;
- 22 2. Provides for general liability coverage of at least two hundred fifty  
 23 thousand dollars (\$250,000);
- 24 3. Lists the *Kentucky Board of Home Inspectors as a certificate holder of*  
 25 *any insurance policy issued under this paragraph*~~[state as an additional~~  
 26 ~~insured]~~;
- 27 4. States that cancellation and nonrenewal of the underlying policy is not



1 effective until the board receives at least ten (10) days' prior written  
2 notice of the cancellation or nonrenewal; and

3 5. Contains any other terms and conditions established by the board; or

4 (e) Pay a licensing fee established in KRS 198B.706.

5 (3) A person applying for a license as a home inspector shall apply on a written or  
6 electronic form prescribed and provided by the board.

7 Section 6. KRS 198B.595 is amended to read as follows:

8 (1) The commissioner shall not issue a license under KRS 198B.560 and 198B.580,  
9 unless the fire protection sprinkler contractor applicant files with the commissioner  
10 proof of liability insurance coverage of not less than two hundred and fifty thousand  
11 dollars (\$250,000) one person/maximum and five hundred thousand dollars  
12 (\$500,000) one accident/maximum and workers' compensation insurance as  
13 provided for in KRS Chapter 342.

14 (2) The workers' compensation insurance required by this section must be in the form  
15 of certificate of insurance executed by an insurer authorized to do business in this  
16 state. The liability insurance required by this section shall be ~~professional~~ liability  
17 insurance that covers the legal liability of the licensed person as the result of  
18 erroneous acts or failure to act in his or her capacity as a fire protection sprinkler  
19 contractor or system designer and shall be in the form of certificate of insurance  
20 executed by an insurer authorized to do business in this state or exported by a  
21 licensed surplus lines broker to an eligible carrier pursuant to KRS 304.10-020 to  
22 304.10-210. Insurance certificates filed with the commissioner under this section  
23 shall remain in force until the insurer has terminated future liability by a thirty (30)  
24 day notice to the commissioner.

25 (3) Failure to maintain the insurance required hereunder constitutes grounds for denial,  
26 suspension or revocation of a license under KRS 198B.620 by the commissioner.

27 Section 7. KRS 311.878 is amended to read as follows:

1 (1) After June 30, 2006, an applicant for a certificate shall file a written application  
 2 with the board on a form prescribed by the board and shall pay the application fee  
 3 set by the board.

4 (2) To be eligible for a certificate a person shall:

5 (a) Hold and maintain certification by one (1) of the following:

- 6 1. The National Surgical Assistant Association; or
- 7 2. The Liaison Council on Certification for the Surgical Technologist;

8 (b) Document one (1) of the following:

- 9 1. Graduation from a program approved by the Commission on  
 10 Accreditation of Allied Health Education Programs (CAAHEP); or
- 11 2. Graduation from a United States Military program that emphasizes  
 12 surgical assisting; and

13 (c) Demonstrate to the satisfaction of the board the completion of full-time work  
 14 experience performed in this country under the direct supervision of a  
 15 physician licensed in this country and consisting of at least eight hundred  
 16 (800) hours of performance as an assistant in surgical procedures for the three  
 17 (3) years preceding the date of the application.

18 Section 8. KRS 271B.10-010 is amended to read as follows:

19 (1) A corporation may amend its articles of incorporation at any time to add or change a  
 20 provision that is required or permitted in the articles of incorporation or to delete a  
 21 provision not required in the articles of incorporation. Whether a provision is  
 22 required or permitted in the articles of incorporation shall be determined as of the  
 23 effective date of the amendment.

24 (2) A shareholder of the corporation shall not have a vested property right resulting  
 25 from any provision in the articles of incorporation, including provisions relating to  
 26 management, control, capital structure, dividend entitlement, or purpose or duration  
 27 of the corporation.

(3) A corporation existing under this chapter or its predecessors may amend its articles of incorporation to convert into a nonstock, nonprofit corporation under KRS 273.161 to 273.387, but a corporation existing under KRS 273.161 to 273.387 may not convert to a corporation existing under this chapter.

Section 9. KRS 271B.10-060 is amended to read as follows:

A corporation amending its articles of incorporation shall deliver to the Secretary of State for filing articles of amendment setting forth:

- (1) The name of the corporation;
- (2) The text of each amendment adopted;
- (3) If an amendment provides for an exchange, reclassification, or cancellation of issued shares, provisions for implementing the amendment if not contained in the amendment itself;
- (4) The date of each amendment's adoption;
- (5) If an amendment was adopted by the incorporators or board of directors without shareholder action, a statement to that effect and that shareholder action was not required; and
- (6) If an amendment was approved by the shareholders:
  - (a) The designation, number of outstanding shares, number of votes entitled to be cast by each voting group entitled to vote separately on the amendment, and number of votes of each voting group indisputably represented at the meeting; and
  - (b) Either the total number of votes cast for and against the amendment by each voting group entitled to vote separately on the amendment or the total number of undisputed votes cast for the amendment by each voting group and a statement that the number cast for the amendment by each voting group was sufficient for approval by that voting group.

(7) If the amendment includes language converting the corporation into a nonprofit,

nonstock corporation under KRS 273.161 to 273.387, the conversion shall be effective upon the filing of the amendment with the Secretary of State, and, upon filing, the Secretary of State shall immediately forward a copy of the amendment to the secretary of revenue.

SECTION 10. A NEW SECTION OF KRS 273.161 TO 273.387 IS CREATED TO READ AS FOLLOWS:

(1) A corporation organized under KRS Chapter 271B or its predecessors may convert to a corporation organized under and governed by KRS 273.161 to 273.387 as authorized by Section 8 of this Act.

(2) A corporation that has been converted under Section 8 of this Act shall be for all purposes the same entity that existed before the conversion.

(3) Upon the filing of amended and restated articles of incorporation satisfying the requirements of Section 8 of this Act:

(a) All property and contract rights owned by, and all rights, privileges, and immunities of, the converting corporation shall remain vested in the converted corporation without assignment, reversion, or impairment;

(b) All obligations of the converting corporation shall continue as obligations of the converted corporation;

(c) An action or proceeding pending against the converting corporation may be continued as if the conversion had not taken place, and the name of the converted corporation may be substituted in any pending action or proceeding in the name of the converting corporation; and

(d) The corporation shall be a nonstock, nonprofit corporation governed by and subject to all of the limitations and requirements imposed by KRS 273.161 to 273.387.

(4) Nothing in this section shall authorize the conversion of a corporation organized under this chapter to a corporation organized under KRS Chapter 271B.

1 SECTION 11. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO  
2 READ AS FOLLOWS:

3 Sections 11 to 13 of this Act shall apply to any Kentucky elected or appointed peace  
4 officer who is honorably retired and who:

5 (1) Meets the provisions of Section 3 of the federal Law Enforcement Officers Safety  
6 Act of 2004, Pub. L. No. 108-277, 18 U.S.C. sec. 926C;

7 (2) Meets the provisions of Sections 11 to 13 of this Act; and

8 (3) Desires to carry a concealed deadly weapon in conformity with the provisions of  
9 the federal Law Enforcement Officers Safety Act of 2004, Pub. L. 108-277.

10 SECTION 12. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO  
11 READ AS FOLLOWS:

12 (1) (a) Certification for a retired peace officer to carry a concealed deadly weapon  
13 pursuant to Sections 11 to 13 of this Act shall be administered by the  
14 Department of State Police.

15 (b) Costs of certification shall be paid for by moneys generated by the concealed  
16 deadly weapon license program under Section 14 of this Act and collected  
17 by the Department of State Police pursuant to that section.

18 (c) The Department of State Police shall promulgate administrative regulations  
19 in accordance with KRS Chapter 13A necessary to implement the provisions  
20 of Sections 11 to 13 of this Act.

21 (2) Each retired peace officer who desires certification to carry a concealed deadly  
22 weapon shall annually submit:

23 (a) Evidence of retired status to the Commissioner of State Police together with  
24 all information required by federal law, this section, and administrative  
25 regulations promulgated pursuant to this section;

26 (b) Evidence of successful completion of firearms qualification required under  
27 this section; and

1        (c) A notarized statement that he or she is not prohibited by state or federal law  
 2        from possessing a firearm.

3        (3) Each law enforcement agency that employed the retired peace officer, or at which  
 4        the retired peace officer served in an elected capacity, shall provide to the retired  
 5        officer and the Department of State Police the information required by federal  
 6        law, this section, and the administrative regulations promulgated pursuant to this  
 7        section in a prompt and efficient manner, without charge either to the  
 8        Department of State Police or the retiree.

9        (4) (a) Each retired peace officer shall annually fire twenty (20) rounds at an adult  
 10        size silhouette target at a range of twenty-one (21) feet, with a handgun, and  
 11        shall hit the target not less than eleven (11) times to obtain or maintain  
 12        certification under Sections 11 to 13 of this Act.

13        (b) The rounds fired pursuant to paragraph (a) of this subsection shall be done  
 14        under the supervision of:

- 15        1. A firearms instructor of the retiree's former employing agency;
- 16        2. A Department of Criminal Justice Training certified police firearms  
 17        instructor or instructor trainer; or
- 18        3. A Department of Criminal Justice Training certified concealed carry  
 19        instructor or instructor trainer.

20        (c) A firearms instructor may, if not compensated pursuant to paragraph (d) of  
 21        this subsection, charge each participant a fee of not more than twenty  
 22        dollars (\$20), which shall include the cost of the range, firearms instructor,  
 23        range personnel, targets, and all other costs associated therewith, but not  
 24        the cost of ammunition. Ammunition, or the cost of ammunition, shall be  
 25        provided by the retiree.

26        (d) A local or state law enforcement agency that desires to conduct firearms  
 27        qualification for its retirees shall schedule not less than two (2) dates for

firearms qualification per year, and those dates shall be approximately six (6) months apart. The local or state law enforcement agency may charge each participant a fee of not more than twenty dollars (\$20), which shall include the cost of use of the range, firearms instructor, range personnel, targets, and all other costs associated therewith, but not the cost of ammunition. Ammunition, or the cost of ammunition, shall be provided by the retiree.

(e) No employer or appointing authority of a firearms instructor, Department of Criminal Justice Training certified police firearms instructor or instructor trainer, or Department of Criminal Justice Training certified concealed carry instructor or instructor trainer shall prohibit or in anyway limit the instructor from qualifying active or retired peace officers in conformity with Section 11 or 13 of this Act while that instructor is off duty. No employer or appointing authority of an instructor specified in this paragraph shall be liable in civil damages for the actions or omissions of the instructor during qualification of active or retired peace officers when that instructor is off duty.

SECTION 13. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

(1) The following agencies of the Commonwealth shall make range facilities available not less than four (4) days per year for firearms qualification by retired peace officers seeking certification pursuant to the provisions of Sections 11 to 13 of this Act:

(a) The Justice Cabinet;

(b) The Department of Military Affairs; and

(c) The Department of Fish and Wildlife Resources.

(2) Firearms qualification may be conducted at any location, public or private, at

which a handgun may be safely fired. The safety of the location at which firing takes place shall be the responsibility of the instructor conducting the qualification.

SECTION 14. A NEW SECTION OF KRS 15.380 TO 15.404 IS CREATED TO READ AS FOLLOWS:

(1) In order to maintain his or her certification as a peace officer, each certified peace officer shall annually meet the marksmanship qualification requirement for a retired peace officer as specified in Section 12 of this Act.

(2) Any law enforcement agency employing a certified peace officer may require the certified peace officer to meet a marksmanship qualification requirement which is in excess of that specified in Section 12 of this Act. Failure of a certified peace officer to meet the increased marksmanship qualification requirement specified by his or her employing or appointing agency shall not affect the certification of the officer, but may subject the officer to discipline by the agency, including suspension or dismissal of the officer from the agency.

Section 15. KRS 237.110 is amended to read as follows:

(1) The Department of State Police is authorized to issue licenses to carry concealed firearms or other deadly weapons to persons qualified as provided in this section. The Department of State Police or the Administrative Office of the Courts shall conduct a record check, covering all offenses and conditions which are required under 18 U.S.C. sec. 922(g) and this section, in the manner provided by 18 U.S.C. sec. 922(s). Licenses shall be valid throughout the state for a period of five (5) years from the date of issuance, but their validity may be extended beyond the five (5) year period as provided in subsection (12) of this section. Any person in compliance with the terms of the license may carry a concealed firearm or other deadly weapon or combination of firearms and other deadly weapons on or about his person. The licensee shall carry the license at all times the licensee is carrying a



1 concealed firearm or other deadly weapon and shall display the license upon request  
 2 of a law enforcement officer. Violation of the provisions of this subsection shall  
 3 constitute a noncriminal violation with a penalty of twenty-five dollars (\$25),  
 4 payable to the clerk of the District Court.

5 (2) The Department of State Police, following the record check required by subsection  
 6 (1) of this section, shall issue a license if the applicant:

7 (a) 1. Is a resident of the state and has been a resident for six (6) months or  
 8 longer immediately preceding the filing of the application; or

9 2. Is a member of the Armed Forces of the United States who is on active  
 10 duty, who is at the time of application assigned to a military posting in  
 11 Kentucky, and who has been assigned to a posting in the  
 12 Commonwealth for six (6) months or longer immediately preceding the  
 13 filing of the application;

14 (b) Is twenty-one (21) years of age or older;

15 (c) Is not ineligible to possess a firearm pursuant to 18 U.S.C. sec. 922(d)(1) or  
 16 (g) or KRS 527.040;

17 (d) Has not been committed to a state or federal facility for the abuse of a  
 18 controlled substance or been convicted of a misdemeanor violation of KRS  
 19 Chapter 218A or similar laws of any other state relating to controlled  
 20 substances within a three (3) year period immediately preceding the date on  
 21 which the application is submitted;

22 (e) Does not chronically and habitually use alcoholic beverages as evidenced by  
 23 the applicant having two (2) or more convictions for violating KRS 189A.010  
 24 within the three (3) years immediately preceding his application or if the  
 25 applicant has been committed as an alcoholic pursuant to KRS Chapter 222,  
 26 or similar laws of any other state, within the three (3) year period immediately  
 27 preceding the date on which the application is submitted;

1           (f) Demonstrates competence with a firearm by completion of a firearms safety or  
2           training course or class offered or approved by the Department of Criminal  
3           Justice Training.

4           Classes presented pursuant to this paragraph shall include instruction on  
5           handguns, the safe use of handguns, the care and cleaning of handguns,  
6           handgun marksmanship principles, and actual range firing of a handgun in a  
7           safe manner. Classes presented pursuant to this paragraph shall include  
8           information on laws relating to firearms as described in KRS Chapters 237  
9           and 527 and the law of the use of force as described in KRS Chapter 503. The  
10          Department of Criminal Justice Training shall promulgate uniform  
11          administrative regulations concerning the certification and decertification of  
12          all firearms instructors practicing in the Commonwealth of Kentucky.  
13          Notwithstanding any other provision of the Kentucky Revised Statutes, no  
14          person shall qualify as having demonstrated competence with a firearm  
15          pursuant to this subsection, unless certified by a governmental agency of the  
16          Commonwealth of Kentucky, or of the federal government. The  
17          Administrative Office of the Courts shall publish and make available, at no  
18          cost, information in a manner suitable for distribution to class participants. A  
19          legible photocopy of a certificate of completion of any of the courses or  
20          classes or a notarized affidavit from the instructor, school, club, organization,  
21          or group that conducts or teaches the course or class attesting to the  
22          completion of the course or class by the applicant shall constitute evidence of  
23          qualification under this paragraph. Peace officers who are currently certified  
24          as peace officers by the Kentucky Law Enforcement Council pursuant to KRS  
25          15.380 to 15.404 and peace officers who are retired and are members of the  
26          Kentucky Employees Retirement System, State Police Retirement System, or  
27          County Employees Retirement System or other retirement system operated by

1           or for a city, county, or urban-county in Kentucky shall be deemed to have met  
2           the training requirement;

3       (g) Has not been adjudicated an incompetent under KRS Chapter 202B or has  
4           waited three (3) years from the date his competency was restored by the court  
5           order under KRS Chapter 202B; and

6       (h) Has not been involuntarily committed to a mental institution pursuant to KRS  
7           Chapter 202A, unless he possesses a certificate from a psychiatrist licensed in  
8           this state that he has not suffered from disability for a period of three (3) years.

9       (3) The Department of State Police may deny a license if the applicant has been found  
10           guilty of a violation of KRS 508.030 or 508.080 within the three (3) year period  
11           prior to the date on which the application is submitted or may revoke a license if the  
12           licensee has been found guilty of a violation of KRS 508.030 or 508.080 within the  
13           preceding three (3) years.

14       (4) The Department of State Police shall deny, suspend, or revoke a license to carry a  
15           concealed deadly weapon upon written notice by the Cabinet for Families and  
16           Children that the person has a child support arrearage which equals or exceeds the  
17           cumulative amount which would be owed after one (1) year of nonpayment, or for  
18           failure, after receiving appropriate notice, to comply with a subpoena or warrant  
19           relating to paternity or child support proceedings.

20       (5) The application for a permit, or renewal of a permit, to carry a concealed deadly  
21           weapon shall be obtained from the office of the sheriff in the county in which the  
22           person resides. The completed application and all accompanying material plus an  
23           application fee or renewal fee, as appropriate, of sixty dollars (\$60) shall be  
24           presented to the office of the sheriff of the county in which the applicant resides. A  
25           full-time or part-time peace officer who is currently certified as a peace officer by  
26           the Kentucky Law Enforcement Council who is authorized by his or her employer  
27           or government authority to carry a concealed deadly weapon at all times and all

1 locations within the Commonwealth pursuant to KRS 527.020 or a retired peace  
2 officer who is a member of the Kentucky Employees Retirement System, State  
3 Police Retirement System, County Employees Retirement System, or other  
4 retirement system operated by or for a city, county, or urban-county in Kentucky  
5 shall be exempt from paying the application or renewal fees. The sheriff shall  
6 transmit the application and accompanying material to the Department of State  
7 Police within five (5) working days. Twenty dollars (\$20) of the application fee  
8 shall be retained by the office of the sheriff for official expenses of the office.  
9 Twenty dollars (\$20) shall be sent to the Department of State Police with the  
10 application. Ten dollars (\$10) shall be transmitted by the sheriff to the  
11 Administrative Office of the Courts to fund background checks for youth leaders,  
12 and ten dollars (\$10) shall be transmitted to the Administrative Office of the Courts  
13 to fund background checks for applicants for concealed weapons. The application  
14 shall be completed, under oath, on a form promulgated by the Department of State  
15 Police by administrative regulation which shall only include:

- 16 (a) The name, address, place and date of birth, gender, and Social Security  
17 number of the applicant;
- 18 (b) A statement that, to the best of his knowledge, the applicant is in compliance  
19 with criteria contained within subsections (2) and (3) of this section;
- 20 (c) A statement that the applicant has been furnished a copy of this section and is  
21 knowledgeable about its provisions;
- 22 (d) A statement that the applicant has been furnished a copy of, has read, and  
23 understands KRS Chapter 503 as it pertains to the use of deadly force for self-  
24 defense in Kentucky; and
- 25 (e) A conspicuous warning that the application is executed under oath and that a  
26 materially false answer to any question, or the submission of any materially  
27 false document by the applicant, subjects the applicant to criminal prosecution

1           under KRS 523.030.

2   (6)   The applicant, if a resident of the Commonwealth, shall submit to the sheriff of the  
3       applicant's county of residence:

4       (a)   A completed application as described in subsection (5) of this section;

5       (b)   A recent color photograph of the applicant, as prescribed by administrative  
6       regulation; and

7       (c)   A photocopy of a certificate or an affidavit or document as described in  
8       subsection (2)(f) of this section.

9   (7)   The Department of State Police shall, within ninety (90) days after the date of  
10      receipt of the items listed in subsection (6) of this section, either:

11      (a)   Issue the license; or

12      (b)   Deny the application based solely on the grounds that the applicant fails to  
13           qualify under the criteria listed in subsection (2) or (3) of this section. If the  
14           Department of State Police denies the application, it shall notify the applicant  
15           in writing, stating the grounds for denial and informing the applicant of a right  
16           to submit, within thirty (30) days, any additional documentation relating to the  
17           grounds of denial. Upon receiving any additional documentation, the  
18           Department of State Police shall reconsider its decision and inform the  
19           applicant within twenty (20) days of the result of the reconsideration. The  
20           applicant shall further be informed of the right to seek de novo review of the  
21           denial in the District Court of his place of residence within ninety (90) days  
22           from the date of the letter advising the applicant of the denial.

23   (8)   The Department of State Police shall maintain an automated listing of  
24      licenseholders and pertinent information, and this information shall be available on-  
25      line, upon request, at all times to all Kentucky law enforcement agencies. Except as  
26      provided in this subsection, information on applications for licenses, names and  
27      addresses, or other identifying information relating to license holders shall be

1 confidential and shall not be made available except to law enforcement agencies.  
2 Requests for information to be provided to any requester other than a bona fide law  
3 enforcement agency which has direct access to the Law Enforcement Information  
4 Network of Kentucky shall be made, in writing, directly to the commissioner of the  
5 Department of State Police, together with the fee required for the providing of the  
6 information. The Department of State Police shall, upon proper application and the  
7 payment of the required fee, provide to the requester in hard copy form only, a list  
8 of names of all holders in the Commonwealth of a license to carry a concealed  
9 deadly weapon. No identifying information other than the name shall be provided,  
10 and information for geographic areas or other subdivisions of any type from the list  
11 shall not be provided and shall be confidential. The fee to be charged shall be the  
12 same as for other public records provided by the Department of State Police. No  
13 request for lists of local or statewide permit holders shall be made to any state or  
14 local law enforcement agency, peace officer, or other agency of government other  
15 than the Department of State Police, and no state or local law enforcement agency,  
16 peace officer, or agency of government, other than the Department of State Police,  
17 shall provide any information not entitled to it by law. The names of all persons,  
18 other than law enforcement agencies and peace officers, requesting information  
19 under this section shall be a public record.

- 20 (9) Within thirty (30) days after the changing of a permanent address, or within thirty  
21 (30) days after the loss or destruction of a license, the licensee shall notify the  
22 Department of State Police of the loss or destruction. Failure to notify the  
23 Department of State Police shall constitute a noncriminal violation with a penalty of  
24 twenty-five dollars (\$25) payable to the clerk of the District Court. When a licensee  
25 makes application to change his or her residence address or other information on the  
26 license, neither the sheriff nor the Department of State Police shall require a  
27 surrender of the license until a new license is in the office of the applicable sheriff

1 and available for issuance. Upon the issuance of a new license, the old license shall  
2 be destroyed by the sheriff.

3 (10) If a license is lost or destroyed, the license shall be automatically invalid, and the  
4 person to whom the same was issued may, upon payment of fifteen dollars (\$15) to  
5 the Department of State Police, obtain a duplicate, upon furnishing a notarized  
6 statement to the Department of State Police that the license has been lost or  
7 destroyed.

8 (11) A license issued under this section shall be suspended or revoked if the licensee  
9 becomes ineligible to be issued a license under the criteria set forth in subsection  
10 (2)(a), (c), (d), (e), (f), or (h) of this section. When a domestic violence order or  
11 emergency protective order is issued pursuant to the provisions of KRS Chapter 403  
12 against a person holding a license issued under this section, the holder of the permit  
13 shall surrender the license to the court or to the officer serving the order. The officer  
14 to whom the license is surrendered shall forthwith transmit the license to the court  
15 issuing the order. The license shall be suspended until the order is terminated, or  
16 until the judge who issued the order terminates the suspension prior to the  
17 termination of the underlying domestic violence order or emergency protective  
18 order, in writing and by return of the license, upon proper motion by the license  
19 holder. Subject to the same conditions as above, a peace officer against whom an  
20 emergency protective order or domestic violence order has been issued shall not be  
21 permitted to carry a concealed deadly weapon when not on duty, the provisions of  
22 KRS 527.020 to the contrary notwithstanding.

23 (12) Not less than ninety (90) days prior to the expiration date of the license, the  
24 Department of State Police shall mail to each licensee a written notice of the  
25 expiration and a renewal form prescribed by the Department of State Police. *The*  
26 *outside of the envelope containing the license renewal notice shall bear only the*  
27 *name and address of the applicant. No other information relating to the applicant*

1     shall appear on the outside of the envelope sent to the applicant. The licensee may  
 2     renew his license on or before the expiration date by filing with the sheriff of his  
 3     county of residence the renewal form, a notarized affidavit stating that the licensee  
 4     remains qualified pursuant to the criteria specified in subsections (2) and (3) of this  
 5     section, and the required renewal fee. The sheriff shall issue to the applicant a  
 6     receipt for the application for renewal of the license and shall date the receipt.  
 7     The license then presently held by the renewal applicant together with the license  
 8     renewal application receipt shall constitute a lawful and valid extension of the  
 9     license until such time as the Department of State Police either revokes the  
 10    existing license, refuses to renew the existing license, or issues a new license. The  
 11    license shall be renewed to a qualified applicant upon receipt of the completed  
 12    renewal application and appropriate payment of fees. When a licensee makes  
 13    application for a renewal of his or her license, neither the sheriff nor the Department  
 14    of State Police shall require a surrender of the license until the new license is in the  
 15    office of the applicable sheriff and available for issuance. Upon the issuance of a  
 16    new license, the old license shall be destroyed by the sheriff. A licensee who fails to  
 17    file a renewal application on or before its expiration date may renew his license by  
 18    paying, in addition to the license fees, a late fee of fifteen dollars (\$15). No license  
 19    shall be renewed six (6) months or more after its expiration date, and the license  
 20    shall be deemed to be permanently expired six (6) months after its expiration date.  
 21    A person whose license has permanently expired may reapply for licensure pursuant  
 22    to subsections (5), (6), and (7) of this section.

23   (13) Except as provided in Section 17 of this Act, no license issued pursuant to this  
 24   section shall authorize any person to carry a concealed firearm into:

- 25   (a) Any police station or sheriff's office;
- 26   (b) Any detention facility, prison, or jail;
- 27   (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court



1 proceeding;

2 (d) Any meeting of the governing body of a county, municipality, or special  
3 district; or any meeting of the General Assembly or a committee of the  
4 General Assembly, except that nothing in this section shall preclude a member  
5 of the body, holding a concealed deadly weapon license, from carrying a  
6 concealed deadly weapon at a meeting of the body of which he is a member;

7 (e) Any portion of an establishment licensed to dispense beer or alcoholic  
8 beverages for consumption on the premises, which portion of the  
9 establishment is primarily devoted to that purpose;

10 (f) Any elementary or secondary school facility without the consent of school  
11 authorities as provided in KRS 527.070, any child-caring facility as defined in  
12 KRS 199.011, any day-care center as defined in KRS 199.894, or any certified  
13 family child-care home as defined in KRS 199.8982, except however, any  
14 owner of a certified child-care home may carry a concealed firearm into the  
15 owner's residence used as a certified child-care home;

16 (g) An area of an airport to which access is controlled by the inspection of  
17 persons and property; or

18 (h) Any place where the carrying of firearms is prohibited by federal law.

19 (14) The owner, business or commercial lessee, or manager of a private business  
20 enterprise, day-care center as defined in KRS 199.894 or certified or licensed family  
21 child-care home as defined in KRS 199.8982, or a health-care facility licensed  
22 under KRS Chapter 216B, except facilities renting or leasing housing, may prohibit  
23 persons holding concealed deadly weapon licenses from carrying concealed deadly  
24 weapons on the premises and may prohibit employees, not authorized by the  
25 employer, holding concealed deadly weapons licenses from carrying concealed  
26 deadly weapons on the property of the employer. If the building or the premises are  
27 open to the public, the employer or business enterprise shall post signs on or about

the premises if carrying concealed weapons is prohibited. Possession of weapons, or ammunition, or both in a vehicle on the premises shall not be a criminal offense so long as the weapons, or ammunition, or both are not removed from the vehicle or brandished while the vehicle is on the premises. A private but not a public employer may prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employer, but may not prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employee, except that the Justice Cabinet may prohibit an employee from carrying any weapons, or ammunition, or both other than the weapons, or ammunition, or both issued or authorized to be used by the employee of the cabinet, in a vehicle while transporting persons under the employee's supervision or jurisdiction. Carrying of a concealed weapon, or ammunition, or both in a location specified in this subsection by a license holder shall not be a criminal act but may subject the person to denial from the premises or removal from the premises, and, if an employee of an employer, disciplinary measures by the employer.

(15) All moneys collected by the Department of State Police pursuant to this section shall be used to administer the provisions of this section and Sections 11 to 13 of this Act. By March 1 of each year, the Department of State Police and the Administrative Office of the Courts shall submit reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives, indicating the amounts of money collected and the expenditures related to this section, Sections 11 to 13 of this Act, and KRS 237.115, 244.125, 527.020, and 527.070, and the administration of the provisions of this section, Sections 11 to 13 of this Act, and KRS 237.115, 244.125, 527.020, and 527.070.

(16) The General Assembly finds as a matter of public policy that it is necessary to

1 provide statewide uniform standards for issuing licenses to carry concealed firearms  
2 and to occupy the field of regulation of the bearing of concealed firearms to ensure  
3 that no person who qualifies under the provisions of this section is denied his rights.  
4 The General Assembly does not delegate to the Department of State Police the  
5 authority to regulate or restrict the issuing of licenses provided for in this section  
6 beyond those provisions contained in this section. This section shall be liberally  
7 construed to carry out the constitutional right to bear arms for self-defense.

8 (17) (a) A person who has a valid license issued by another state of the United States  
9 to carry a concealed deadly weapon in that state may, subject to provisions of  
10 Kentucky law, carry a concealed deadly weapon in Kentucky, and his license  
11 shall be considered as valid in Kentucky.

12 (b) The Department of State Police shall, not later than thirty (30) days after July  
13 15, 1998, and not less than once every six (6) months thereafter, make written  
14 inquiry of the concealed deadly weapon carrying licensing authorities in each  
15 other state as to whether a Kentucky resident may carry a concealed deadly  
16 weapon in their state based upon having a valid Kentucky concealed deadly  
17 weapon license, or whether a Kentucky resident may apply for a concealed  
18 deadly weapon carrying license in that state based upon having a valid  
19 Kentucky concealed deadly weapon license. The Department of State Police  
20 shall attempt to secure from each other state permission for Kentucky  
21 residents who hold a valid Kentucky concealed deadly weapon license to carry  
22 concealed deadly weapons in that state, either on the basis of the Kentucky  
23 license or on the basis that the Kentucky license is sufficient to permit the  
24 issuance of a similar license by the other state. The Department of State Police  
25 shall enter into a written reciprocity agreement with the appropriate agency in  
26 each state that agrees to permit Kentucky residents to carry concealed deadly  
27 weapons in the other state on the basis of a Kentucky-issued concealed deadly

1           weapon license or that will issue a license to carry concealed deadly weapons  
2           in the other state based upon a Kentucky concealed deadly weapon license. If  
3           a reciprocity agreement is reached, the requirement to recontact the other state  
4           each six (6) months shall be eliminated as long as the reciprocity agreement is  
5           in force. The information shall be a public record and shall be available to  
6           individual requesters free of charge for the first copy and at the normal rate for  
7           open records requests for additional copies.

8   (18) By March 1 of each year, the Department of State Police shall submit a statistical  
9       report to the Governor, the President of the Senate, and the Speaker of the House of  
10      Representatives, indicating the number of licenses issued, revoked, suspended, and  
11      denied since the previous report and in total and also the number of licenses  
12      currently valid. The report shall also include the number of arrests, convictions, and  
13      types of crimes committed since the previous report by individuals licensed to carry  
14      concealed weapons.

15   (19) The following provisions shall apply to concealed deadly weapon training classes  
16      conducted by the Department of Criminal Justice Training or any other agency  
17      pursuant to this section:

18      (a) No concealed deadly weapon instructor trainer shall have his or her  
19          certification as a concealed deadly weapon instructor trainer reduced to that of  
20          instructor or revoked except after a hearing conducted pursuant to KRS  
21          Chapter 13B in which the instructor is found to have committed an act in  
22          violation of the applicable statutes or administrative regulations;

23      (b) No concealed deadly weapon instructor shall have his or her certification as a  
24          concealed deadly weapon instructor license suspended or revoked except after  
25          a hearing conducted pursuant to KRS Chapter 13B in which the instructor is  
26          found to have committed an act in violation of the applicable statutes or  
27          administrative regulations;

- 1       (c) *The department shall not require prior notification that an applicant class*  
 2       *or instructor class will be conducted by a certified instructor or instructor*  
 3       *trainer*~~[Each concealed deadly weapon instructor or instructor trainer shall~~  
 4       ~~notify the Department of Criminal Justice Training not less than fourteen (14)~~  
 5       ~~days prior to the beginning of concealed deadly weapon applicant or~~  
 6       ~~concealed deadly weapon instructor training of the time, date, and location at~~  
 7       ~~which the class will be conducted. The department, upon the request of a~~  
 8       ~~firearms instructor trainer or certified firearms instructor, may permit a class~~  
 9       ~~to begin on less than fourteen (14) days' notice. The notice need not contain~~  
 10       ~~the names of the students. The notice may be made by mail, facsimile, e-mail,~~  
 11       ~~or other method which will result in the receipt of or production of a hard~~  
 12       ~~copy of the application. The postmark, facsimile date, or e-mail date shall be~~  
 13       ~~considered as the date on which the notice was sent];~~
- 14       (d) Each concealed deadly weapon instructor or instructor trainer who teaches a  
 15       concealed deadly weapon applicant or concealed deadly weapon instructor  
 16       class shall supply the Department of Criminal Justice Training with a class  
 17       roster indicating which students enrolled but did not successfully complete the  
 18       class, and which students enrolled and successfully completed the class which  
 19       contains the name and address of each student, within five (5) working days of  
 20       the completion of the class. The information may be sent by mail, facsimile, e-  
 21       mail, or other method which will result in the receipt of or production of a  
 22       hard copy of the information. The postmark, facsimile date, or e-mail date  
 23       shall be considered as the date on which the notice was sent;
- 24       (e) An instructor trainer who assists in the conduct of a concealed deadly weapon  
 25       instructor class or concealed deadly weapon applicant class for more than two  
 26       (2) hours shall be considered as to have taught a class for the purpose of  
 27       maintaining his or her certification. All class record forms shall include spaces

1 for assistant instructors to sign and certify that they have assisted in the  
 2 conduct of a concealed deadly weapon instructor or concealed deadly weapon  
 3 class;

4 (f) An instructor who assists in the conduct of a concealed deadly weapon  
 5 applicant class for more than two (2) hours shall be considered as to have  
 6 taught a class for the purpose of maintaining his or her license. All class  
 7 record forms shall include spaces for assistant instructors to sign and certify  
 8 that they have assisted in the conduct of a concealed deadly weapon class;

9 (g) If the Department of Criminal Justice Training believes that a firearms  
 10 instructor trainer or certified firearms instructor has not in fact complied with  
 11 the requirements for teaching a certified firearms instructor or applicant class  
 12 by not teaching the class as specified in KRS 237.126, or who has taught an  
 13 insufficient class as specified in KRS 237.128, the department shall send to  
 14 each person who has been listed as successfully completing the concealed  
 15 deadly weapon applicant class or concealed deadly weapon instructor class a  
 16 verification form on which the time, date, date of range firing if different from  
 17 the date on which the class was conducted, location, and instructor of the class  
 18 is listed by the department and which requires the person to answer "yes" or  
 19 "no" to specific questions regarding the conduct of the training class. The  
 20 form shall be completed under oath and shall be returned to the Department of  
 21 Criminal Justice Training not later than forty-five (45)~~[thirty (30)]~~ days after  
 22 its receipt. A person who fails~~[Failure]~~ to complete the form, to sign the form,  
 23 or to return the form to the Department of Criminal Justice Training within the  
 24 time frame specified in this section or who, as a result of information on the  
 25 returned form, is determined by the Department of Criminal Justice Training,  
 26 following a hearing pursuant to KRS Chapter 13B, to not have received the  
 27 training required by law shall have his or her concealed deadly weapon

1            license revoked by~~the grounds for~~ the Department of State Police~~to revoke~~  
 2            ~~the person's concealed deadly weapon license~~, following a hearing conducted  
 3            by the Department of Criminal Justice Training pursuant to KRS Chapter  
 4            13B, at which hearing the person is found to have violated the provisions of  
 5            this section or who has been found not to have received the training required  
 6            by law;

- 7            (h) The department shall randomly inspect certified firearms instructor classes  
 8            being conducted by firearms instructor trainers and shall randomly inspect  
 9            applicant classes being conducted by firearms instructor trainers or certified  
 10            firearms instructors to ascertain if the class is being conducted in conformity  
 11            to the provisions of applicable statutes and administrative regulations and that  
 12            the paperwork in the class matches the paperwork ultimately submitted by the  
 13            firearms instructor trainer or certified firearms instructor for that same class.  
 14            The department shall annually, not later than December 31 of each year, report  
 15            to the Legislative Research Commission:
- 16            1. The number of random inspections;
  - 17            2. The results of those inspections;
  - 18            3. The number of deficiencies noted;
  - 19            4. The nature of the deficiencies noted;
  - 20            5. If a deficiency was noted, the categories of action taken by the  
 21            department to either correct the deficiency or discipline the instructor, or  
 22            a combination thereof;
  - 23            6. The number of firearms instructor trainers and certified firearms  
 24            instructors whose certifications were suspended, revoked, denied, or  
 25            who were otherwise disciplined;
  - 26            7. The reasons for the imposition of suspensions, revocations, denials, or  
 27            other discipline; and

8. Suggestions for improvement of the concealed deadly weapon applicant training program and instructor process;

(i) If a concealed deadly weapon license holder is convicted of, pleads guilty to, or enters an Alford plea to a felony offense, then his or her concealed deadly weapon license shall be forthwith revoked by the Department of State Police as a matter of law;

(j) If a concealed deadly weapon instructor or instructor trainer is convicted of, pleads guilty to, or enters an Alford plea to a felony offense, then his or her concealed deadly weapon instructor certification or concealed deadly weapon instructor trainer certification shall be revoked by the Department of Criminal Justice Training as a matter of law; and

(k) The~~[provisions of this section shall be deemed to be retroactive to March 1, 2002, and the]~~ following shall be in effect:

1. Action to eliminate the firearms instructor trainer program is prohibited~~[as done by emergency administrative regulation is rescinded,]~~ The program shall remain in effect, and no firearms instructor trainer shall have his or her certification reduced to that of certified firearms instructor;

2. The Kentucky State Police shall~~[may]~~ revoke the concealed deadly weapon license of any person who received no firearms training as required by KRS 237.126 and administrative regulations, or who received insufficient training as required by KRS 237.128 and administrative regulations, if the person voluntarily admits nonreceipt of training or admits receipt of insufficient training, or if either nonreceipt of training or receipt of insufficient training is proven following a hearing conducted by the Department of Criminal Justice Training pursuant to KRS Chapter 13B~~[. Any action taken by the Kentucky State~~



~~Police, other than revoking a permit for voluntary admission of nonreceipt of training or receipt of insufficient training to revoke a concealed deadly weapon license of a person suspected of nonreceipt of training or receipt of insufficient training, between March 1, 2002, and July 15, 2002, is suspended until the conduct of a KRS Chapter 13B hearing after July 15, 2002; and~~

~~3. Any person who has received a training affidavit requiring the person to verify training conducted during a firearms instructor course or applicant course from the Department of Criminal Justice Training between March 1, 2002, and July 15, 2002, shall have the time to respond to the training affidavit extended to August 1, 2002. The department shall notify each person who has not, as of July 15, 2002, returned his or her training affidavit of the extension of time to file the affidavit].~~

Section 16. KRS 237.115 is amended to read as follows:

(1) **Except as provided in Section 17 of this Act,** nothing contained in KRS 237.110 shall be construed to limit, restrict, or prohibit in any manner the right of a college, university, or any postsecondary education facility, including technical schools and community colleges, to control the possession of deadly weapons on any property owned or controlled by them or the right of a unit of state, city, county, urban-county, or charter county government to prohibit the carrying of concealed deadly weapons by licensees in that portion of a building actually owned, leased, or occupied by that unit of government.

(2) **Except as provided in Section 17 of this Act,** the legislative body of a state, city, county, or urban-county government may, by statute, administrative regulation, or ordinance, prohibit or limit the carrying of concealed deadly weapons by licensees in that portion of a building owned, leased, or controlled by that unit of government.

That portion of a building in which the carrying of concealed deadly weapons is

1 prohibited or limited shall be clearly identified by signs posted at the entrance to the  
2 restricted area. The statute or ordinance shall exempt any building used for public  
3 housing by private persons, highway rest areas, firing ranges, and private dwellings  
4 owned, leased, or controlled by that unit of government from any restriction on the  
5 carrying or possession of deadly weapons. The statute, administrative regulation, or  
6 ordinance shall not specify any criminal penalty for its violation but may specify  
7 that persons violating the statute or ordinance may be denied entrance to the  
8 building, ordered to leave the building, and if employees of the unit of government,  
9 be subject to employee disciplinary measures for violation of the provisions of the  
10 statute or ordinance. The provisions of this section shall not be deemed to be a  
11 violation of KRS 65.870 if the requirements of this section are followed. The  
12 provisions of this section shall not apply to any other unit of government.

- 13 (3) Unless otherwise specifically provided by the Kentucky Revised Statutes or  
14 applicable federal law, no criminal penalty shall attach to carrying a concealed  
15 firearm or other deadly weapon with a permit at any location at which an  
16 unconcealed firearm or other deadly weapon may be constitutionally carried.

17 Section 17. KRS 527.020 is amended to read as follows:

- 18 (1) A person is guilty of carrying a concealed weapon when he carries concealed a  
19 firearm or other deadly weapon on or about his person.
- 20 (2) Peace officers, when necessary for their protection in the discharge of their official  
21 duties; United States mail carriers when actually engaged in their duties; and agents  
22 and messengers of express companies, when necessary for their protection in the  
23 discharge of their official duties, may carry concealed weapons on or about their  
24 person.
- 25 (3) Policemen directly employed by state, county, city, or urban-county governments  
26 may carry concealed deadly weapons on or about their person at all times within the  
27 Commonwealth of Kentucky, when expressly authorized to do so by the

1 government employing the officer.

2 (4) Persons, except those specified in subsection (5) of this section, licensed to carry a  
 3 concealed deadly weapon pursuant to KRS 237.110 may carry a firearm or other  
 4 concealed deadly weapon on or about their persons at all times within the  
 5 Commonwealth of Kentucky, if the firearm or concealed deadly weapon is carried  
 6 in conformity with the requirements of that section. Unless otherwise specifically  
 7 provided by the Kentucky Revised Statutes or applicable federal law, no criminal  
 8 penalty shall attach to carrying a concealed firearm or other deadly weapon with a  
 9 permit at any location at which an unconcealed firearm or other deadly weapon may  
 10 be constitutionally carried. No person or organization, public or private, shall  
 11 prohibit a person licensed to carry a concealed deadly weapon from possessing a  
 12 firearm, ammunition, or both, or other deadly weapon in his or her vehicle in  
 13 compliance with the provisions of KRS 237.110 and 237.115. Any attempt by a  
 14 person or organization, public or private, to violate the provisions of this subsection  
 15 may be the subject of an action for appropriate relief or for damages in a Circuit  
 16 Court or District Court of competent jurisdiction.

17 (5) (a) The following persons, if they hold a license to carry a concealed deadly  
 18 weapon pursuant to KRS 237.110, may carry a firearm or other concealed  
 19 deadly weapon on or about their persons at all times and at all locations within  
 20 the Commonwealth of Kentucky, without any limitation other than as  
 21 provided in this subsection:

22 1.[(a)] A Commonwealth's attorney or assistant Commonwealth's  
 23 attorney;

24 2.[(b)] A county attorney or assistant county attorney;

25 3.[(c)] A justice or judge of the Court of Justice; and

26 4.[(d)] A retired or senior status justice or judge of the Court of Justice.

27 (b) The provisions of this subsection shall not authorize a person specified in

this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

(c) A person specified in this section who is issued a concealed deadly weapon license shall be issued a license which bears on its face the statement that it is valid at all locations within the Commonwealth of Kentucky and may have such other identifying characteristics as determined by the Department of State Police.

(6) (a) Except provided in this subsection, the following persons may carry concealed deadly weapons on or about their person at all times and at all locations within the Commonwealth of Kentucky:

1.[(a)] An elected sheriff and full-time and part-time deputy sheriffs certified pursuant to KRS 15.380 to 15.404 when expressly authorized to do so by the unit of government employing the officer;

2.[(b)] An elected jailer and a deputy jailer who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the jailer; and

3.[(c)] The department head or any employee of a corrections department in any jurisdiction where the office of elected jailer has been merged with the office of sheriff who has successfully completed Department of Corrections basic training and maintains his or her current in-service

1 training when expressly authorized to do so by the unit of government  
 2 by which he or she is employed.~~[;]~~

3 **(b) The provisions of this subsection shall not authorize a person specified in**  
 4 **this subsection to carry a concealed deadly weapon in a detention facility as**  
 5 **defined in KRS 520.010 or on the premises of a detention facility without**  
 6 **the permission of the warden, jailer, or other person in charge of the**  
 7 **facility, or the permission of a person authorized by the warden, jailer, or**  
 8 **other person in charge of the detention facility to give such permission. As**  
 9 **used in this section, "detention facility" does not include courtrooms,**  
 10 **facilities, or other premises used by the Court of Justice or administered by**  
 11 **the Administrative Office of the Courts.**

12 (7) **(a)** A full-time paid peace officer of a government agency from another state or  
 13 territory of the United States or an elected sheriff from another territory of the  
 14 United States may carry a concealed deadly weapon in Kentucky, on or off  
 15 duty, if the other state or territory accords a Kentucky full-time paid peace  
 16 officer and a Kentucky elected sheriff the same rights by law. If the other state  
 17 or territory limits a Kentucky full-time paid peace officer or elected sheriff to  
 18 carrying a concealed deadly weapon while on duty, then that same restriction  
 19 shall apply to a full-time paid peace officer or elected sheriff from that state or  
 20 territory.

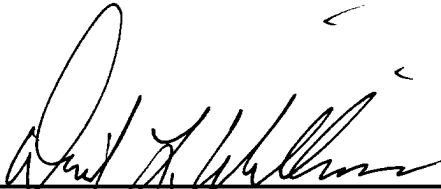
21 **(b) The provisions of this subsection shall not authorize a person specified in**  
 22 **this subsection to carry a concealed deadly weapon in a detention facility as**  
 23 **defined in KRS 520.010 or on the premises of a detention facility without**  
 24 **the permission of the warden, jailer, or other person in charge of the**  
 25 **facility, or the permission of a person authorized by the warden, jailer, or**  
 26 **other person in charge of the detention facility to give such permission. As**  
 27 **used in this section, "detention facility" does not include courtrooms,**

facilities, or other premises used by the Court of Justice or administered by  
the Administrative Office of the Courts.

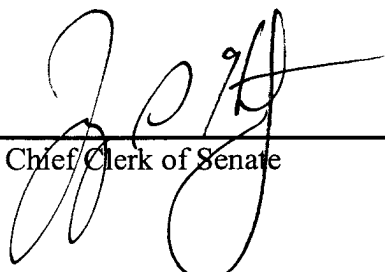
(8) A firearm or other deadly weapon shall not be deemed concealed on or about the person if it is located in a glove compartment, regularly installed in a motor vehicle by its manufacturer, regardless of whether said compartment is locked, unlocked, or does not have a locking mechanism. No person or organization, public or private, shall prohibit a person from keeping a firearm or ammunition, or both, or other deadly weapon in a glove compartment of a vehicle in accordance with the provisions of this subsection. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction.

(9) Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used, or displayed, in which case it is a Class D felony.

Section 18. Since the Department of State Police is experiencing serious delays in the processing of concealed carry license renewals and licensees are, through no fault of their own, having their license to carry a concealed deadly weapon expire even though they have filed for renewal of their license an emergency is declared to exist, and Sections 11 to 18 of this Act take effect upon their passage and approval by the Governor or upon their otherwise becoming law.

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker House of Representatives

Attest:   
\_\_\_\_\_  
Chief Clerk of Senate

Approved   
\_\_\_\_\_  
Governor

Date   
\_\_\_\_\_  
March 30, 2005